

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN MESCHINO,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 15-10327
)	
FRAZIER INDUSTRIAL COMPANY,)	
)	
)	
Defendant.)	
)	

**DEFENDANT FRAZIER INDUSTRIAL COMPANY'S NOTICE
OF REMOVAL TO FEDERAL COURT**

Pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446, Defendant Frazier Industrial Company (“Frazier,” or the “Company”) submits this Notice of Removal of the above-captioned action to the United States District Court for the District of Massachusetts, from the Suffolk County (Massachusetts) Superior Court, where the action is now pending.

This action is being removed to federal court based upon the parties’ diversity of citizenship under 28 U.S.C. § 1332. As grounds for removal, Frazier states as follows:

1. On or about January 8, 2015, Plaintiff John Meschino (“Plaintiff”) filed a Complaint (the “Complaint”) in the Suffolk County (Massachusetts) Superior Court, entitled *John Meschino v. Frazier Industrial Company*, Civil Action No. SUCV15-0067-E. A copy of the Complaint is attached to this Notice as Exhibit A.

2. The Summons and Complaint were served on Frazier on January 12, 2015. A copy of the Summons is attached to this Notice as Exhibit B. Accordingly, this Notice of Removal is

being filed within thirty (30) days of service of the initial pleading setting forth the claim for relief, and is therefore timely pursuant to 28 U.S.C. § 1446(b).¹

3. This Court has diversity jurisdiction over this action, under 28 U.S.C. § 1332(a), because the action is between citizens of different states, and because it is apparent from the face of the Complaint that the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

4. Specifically, Plaintiff alleges in his Complaint that he resides in Massachusetts. *See Exhibit A* (Complaint) at ¶1. Frazier is a New Jersey Corporation with its principal place of business in Long Valley, New Jersey. *See id.* at ¶2. Thus, for purposes of 28 U.S.C. § 1332(a), Frazier is not a citizen of Massachusetts, and the Plaintiff and Defendant are diverse with respect to their citizenship.

5. Further, in the Complaint, Plaintiff alleges that Frazier owes him commission payments “of at least One Hundred Four Thousand, Three Hundred Ninety-Five Dollars and Thirty-Four Cents (\$104,395.34).” *Exhibit A* (Complaint) at ¶ 16.

6. These alleged damages exceed the jurisdictional amount of \$75,000 set forth in 28 U.S.C. § 1332(a).

7. This action may be removed to this Court under 28 U.S.C. § 1441(a) because the United States District Court for the District of Massachusetts encompasses the location where the state action was filed (Suffolk County, Massachusetts).

¹ The Complaint and Summons, attached hereto at Exhibits A and B, respectively – along with the Civil Action Cover Sheet (attached hereto at Exhibit C), Order allowing Plaintiff’s Motion for Special Process Server (attached hereto at Exhibit D) and Scheduling Order for F Track (attached hereto at Exhibit E) – constitute all of the process, pleadings, and orders served upon Frazier in the state court action. *See* 28 U.S.C. § 1446(a). Since being served, Frazier has filed in the state court proceeding (1) an Assented-To Motion for Enlargement of Time to Respond to Plaintiff’s Complaint (copy attached at Exhibit F), (2) a Corporate Disclosure Statement (copy attached at Exhibit G), and (3) a Notice of Appearance (copy attached at Exhibit H).

8. On the same date that this Notice of Removal was signed and filed with this Court, Frazier served, by first class mail and by electronic mail, a copy of this Notice of Removal upon Plaintiff's counsel of record: Pamela E. Berman, Esq. and Timothy H. Powell, Esq.; Bowditch & Dewey, LLP; One International Place, 44th Floor; Boston, MA 02110.

9. Frazier promptly will file a copy of this Notice of Removal with the Clerk of the Suffolk County (Massachusetts) Superior Court, as required by 28 U.S.C. § 1446(d).

10. Frazier will file with this Court attested copies of all records, proceedings, and docket entries in the state court within twenty-eight (28) days of this Notice, pursuant to Local Rule 81.1(a).

WHEREFORE, Defendant Frazier Industrial Company respectfully requests that the above-entitled action be removed to this Court for further proceedings as though originally instituted in this Court.

Respectfully submitted,

FRAZIER INDUSTRIAL COMPANY

By its attorneys,

/s/ Patrick M. Curran, Jr.

Patrick M. Curran, Jr. (BBO #659322)

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Dated: February 11, 2015

Certificate of Service

I hereby certify that on February 11, 2015, a true copy of the foregoing document was served upon the Plaintiff's counsel by electronic mail and by first class mail, postage prepaid, as follows:

Pamela E. Berman, Esq.
Timothy H. Powell, Esq.
Bowditch & Dewey, LLP
One International Place, 44th Floor
Boston, MA 02110

/s/ Patrick M. Curran, Jr.
Patrick M. Curran, Jr.

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